

FACSIMILE COVER SHEET**RECEIVED
CENTRAL FAX CENTER****JAN 03 2005****BRINKS
HOFFER
GILSON
& LIONE®**

A Professional Corporation

Intellectual Property
Law Worldwide

Date: January 3, 2005

To: United States Patent and Trademark Office
Fax No: 703-872-9306From: C. Noel Kaman
Tel. No: 312-245-5319

Client No: 10466/128

No. of Pages
(inc. this page): 7Confirmation Copy To Follow: Yes ☐ No ☒IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL 312-321-4200 AND ASK FOR: _____

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

COVER MESSAGE:

Please find attached the following papers to be filed in connection with U.S. Patent Application Serial No. 09/944,449:

- a transmittal letter;
- a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
- a duplicate copy of the transmittal letter authorizing charging deposit account for fee payment; and
- a Reply to the Office Communication of March 15, 2004.

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 I hereby certify that this correspondence, totaling <u>8</u> pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-9306 (Central number) on the below date: Date: <u>3 January 2005</u> Name: <u>C. Noel Kaman</u> Signature: <u>C. Noel Kaman</u>		
---	--	--

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Baker, et al.

Appln. No.: 09/944,449

Filed: 8/30/2001

For: SECRETED AND TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC ACIDS
ENCODING THE SAME

Examiner: Elieen O'Hara

Art Unit: 1646

Attorney Docket No: 10466/128 (P2548P1C09)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ [Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); a duplicate copy of this transmittal letter for fee payment charging deposit account; and a Reply to the Office Communication of March 15, 2004]

☐ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☒ A petition or processing fee in an amount of \$1500.00 under 37 C.F.R. § 1.17(m).

☐ An additional filing fee has been calculated as shown below:

				Small Entity			Not a Small Entity	
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total	Minus			x \$25=			x \$50=	
Indep.	Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim				+\$180=			+\$360=	
				Total	\$		Total	\$

Fee payment:

☐ A check in the amount of \$_____ is enclosed.

☒ Please charge Deposit Account No. 23-1925 in the amount of \$1500.00. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

3 January 2005
Date

C. Noel Kaman
C. Noel Kaman (Reg. No. 51.857)

RECEIVED
CENTRAL FAX CENTER

JAN-03-2005 16:33

BGH & L

312 321 4299

P.03

JAN 03 2005

PTO/SB/64 (09-04)

Approved for use through 07/31/2005 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 10466/128 (P2548P1C19)
First Named Inventor: Baker, et al.		
Application No.: 09/944,449	Art Unit: 1646	
Filed: 8/30/2001	Examiner: Eileen O'Hara	
Title: Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same		
Attention: Office of Petitions Mail Stop: Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-9306		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional.		
1. Petition fee		
<input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small-entity fee \$ <u>1500.00</u> (37 CFR 1.17 (m)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of <u>a Reply to the Office Communication of March 15, 2004</u> (Identify type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ _____		
<input type="checkbox"/> has been paid previously on _____		
<input type="checkbox"/> is enclosed herewith.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completing application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-5199 and select option 2.

PTO/SB/64 (08-04)

Approved for use through 07/31/2008 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3 January 2005
DateC. Noel Kaman
Signature

Telephone

Number: 312-321-4200C. Noel Kaman

Type or printed name

Brinks Hofer Gilson & Lione

Address

NBC Tower, Suite 3600, 455 N. Chyfront Plaza Dr.
Chicago, IL 60611-5599

Address

Enclosures:

- ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306

3 January 2005
DateC. Noel Kaman
SignatureC. Noel Kaman

Type of printed name of person signing certificate

(Page 2 of 2)